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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,504	03/01/2004	Dar-Ming Chiang	250913-1140	2741
24504	7590	03/02/2007		
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			EXAMINER	
100 GALLERIA PARKWAY, NW			DESAI, ANISH P	
STE 1750				
ATLANTA, GA 30339-5948			ART UNIT	PAPER NUMBER
			1771	
			MAIL DATE	DELIVERY MODE
			03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/791,504

Applicant(s)

CHIANG ET AL.

Examiner

Anish Desai

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 39-53.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see enclosed response.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

APD

Continuation of Box 11:

103-type rejections of Chou et al. (US 2003/0054716) in view of Yamamoto et al. (US 4,560,737) are maintained for the following reasons. The applicant argues that none of the aforementioned references discloses, "an electret coated on the substrate along the porous profile thereof" as claimed. In order to support his/her argument, the applicant individually argues the references of Chou and Yamamoto and asserts that there is no proper motivation to combine Yamamoto with Chou. The examiner respectfully disagrees. As stated on page 3 of the Office Action dated 11/13/06, the recitation "an electret coated on the substrate along the porous profile thereof" is interpreted as any reference disclosing electret coating composition as claimed that is applied to a porous substrate will read on said recitation. Further, as stated in the 11/13/06 Office Action, the porous substrate of Chou is contacted with a composition by spraying or soaking (page 4 of 11/13/06 Office Action and paragraphs 0010 of Chou), which reads on the "an electret coated on the substrate along the porous profile thereof". Chou does not teach the chemistry of the coated electret as claimed, however Yamamoto is relied upon to teach such chemistry (see page 4 of 11/13/06 Office Action). It is respectfully requested that the applicant further define in the claims what he/she means by "an electret coated on the substrate along the porous profile thereof". As to the arguing references of Chou and Yamamoto individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As to

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the motivation of combining the aforementioned references, the motivation was provided on page 5 of the 11/13/06 Office Action "It would have been obvious to one having ordinary skill in the art at the time the invention was made to spread (coat) the solution of copolymer (A) and vinylidene fluoride base resin on the porous substrate of Chou, motivated by the desire to improve the piezoelectric property of the electret of Chou.". Accordingly, the art rejections are maintained.

103-type rejections of Yamamoto in view of Chou are maintained for the following reasons. The applicant argues that none of the cited references disclose, "an electret coated on the substrate along the porous profile thereof". The examiner respectfully disagrees. As previously noted, the recitation "an electret coated on the substrate along the porous profile thereof" is interpreted as any reference disclosing electret coating composition as claimed that is applied to a porous substrate will read on said recitation. Additionally, the primary reference of Yamamoto is relied upon to teach an electret coating with the same chemistry as claimed by the applicant, which is applied on a substrate. Yamamoto does not teach a porous substrate as claimed. Hence, the secondary reference of Chou is relied upon to teach a porous substrate. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use porous substrate of Chou in the invention of Yamamoto because Chou provides the necessary details to practice the invention of Yamamoto. As to the applicant's arguments that the use of a porous substrate of Chou in the invention of Yamamoto would cause the resin to leak through the pores of porous substrate is not found persuasive because said arguments are based on the applicant's personal

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opinion and there is no factual evidence on the record to support said arguments.

Accordingly, the art rejections are maintained.

A handwritten signature in black ink, appearing to read 'Terrel Morris', with a large, stylized flourish at the end.

TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700